



**COUNTY OF SAN LUIS OBISPO
BOARD OF SUPERVISORS
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Clerk-Recorder	(2) MEETING DATE 7/7/2020	(3) CONTACT/PHONE Tommy Gong, Clerk-Recorder (805) 781-5080	
(4) SUBJECT Request to 1) receive and file an update on the November 2020 Election; 2) approve Amendment No. 2 to the agreement with Dominion Voting to increase the contract amount by \$229,729, for a total maximum amount of \$1,328,000, for specified voting equipment for the November election; 3) authorize a budget adjustment in the amount of \$1,412,500 from unanticipated revenues from state and federal grants to Fund Center (FC) 110 – Clerk-Recorder for activities related to the November election, by 4/5 vote; and 4) amend the fixed asset list for FC 110 - Clerk-Recorder by adding 30 ballot-on-demand printers in the amount of \$187,500. All Districts.			
(5) RECOMMENDED ACTION It is recommended that the Board: <ol style="list-style-type: none"> 1. Receive and file an update on the November General Election; and 2. Approve Amendment No. 2 to the agreement with Dominion Voting to increase the contract amount by \$229,720, for a new total amount of \$1,328,000, to allow for the purchase of 30 additional ballot on demand printers, laptops, cases, carts, and twelve accessible voting peripheral devices, and 3. Authorize a budget adjustment for FC 110-Clerk-Recorder in the amount of \$1,412,500 from state and federal grants for election related activities, by 4/5 vote; and 4. Amend the fixed asset list for FC 110-Clerk-Recorder for the addition of 30 Mobile Ballot Printing units in the amount of \$187,500. 			
(6) FUNDING SOURCE(S) Unanticipated Revenue - Federal and State Grant Funds	(7) CURRENT YEAR FINANCIAL IMPACT \$1,412,500	(8) ANNUAL FINANCIAL IMPACT \$11,250	(9) BUDGETED? No
(10) AGENDA PLACEMENT <input type="checkbox"/> Consent <input type="checkbox"/> Presentation <input type="checkbox"/> Hearing (Time Est. _____) <input checked="" type="checkbox"/> Board Business (Time Est. <u>60min.</u>)			
(11) EXECUTED DOCUMENTS <input type="checkbox"/> Resolutions <input checked="" type="checkbox"/> Contracts <input type="checkbox"/> Ordinances <input type="checkbox"/> N/A			
(12) OUTLINE AGREEMENT REQUISITION NUMBER (OAR) 19002065		(13) BUDGET ADJUSTMENT REQUIRED? BAR ID Number: 2021008 <input checked="" type="checkbox"/> 4/5th's Vote Required <input type="checkbox"/> N/A	
(14) LOCATION MAP N/A	(15) BUSINESS IMPACT STATEMENT? No	(16) AGENDA ITEM HISTORY <input checked="" type="checkbox"/> N/A Date _____	
(17) ADMINISTRATIVE OFFICE REVIEW Morgan Torell			
(18) SUPERVISOR DISTRICT(S) All Districts			



COUNTY OF SAN LUIS OBISPO

TO: Board of Supervisors

FROM: Clerk-Recorder / Tommy Gong, Clerk-Recorder (805) 781-5080

DATE: 7/7/2020

SUBJECT: Request to 1) receive and file an update on the November 2020 Election; 2) approve Amendment No. 2 to the agreement with Dominion Voting to increase the contract amount by \$229,729, for a total maximum amount of \$1,328,000, for specified voting equipment for the November election; 3) authorize a budget adjustment in the amount of \$1,412,500 from unanticipated revenues from state and federal grants to Fund Center (FC) 110 – Clerk-Recorder for activities related to the November election, by 4/5 vote; and 4) amend the fixed asset list for FC 110 - Clerk-Recorder by adding 30 ballot-on-demand printers in the amount of \$187,500. All Districts.

RECOMMENDATION

It is recommended that the Board:

1. Receive and file an update on the November General Election; and
2. Approve Amendment No. 2 to the agreement with Dominion Voting to increase the contract amount by \$229,720, for a new total amount of \$1,328,000, to allow for the purchase of 30 additional ballot on demand printers, laptops, cases, carts, and twelve accessible voting peripheral devices, and
3. Authorize a budget adjustment for FC 110-Clerk-Recorder in the amount of \$1,412,500 from state and federal grants for election related activities, by 4/5 vote; and
4. Amend the fixed asset list for FC 110-Clerk-Recorder for the addition of 30 Mobile Ballot Printing units in the amount of \$187,500.

DISCUSSION

As the Presidential Primary Election was taking place on March 3rd, the COVID-19 crisis began to gain traction in the nation. Fortunately, the Clerk-Recorder office was able to complete the canvass and certify the election before measures were instituted on state and county levels to flatten the curve of the pandemic without issue. Other counties were granted an additional month to certify their elections by operating at reduced staffing levels to physically distance themselves and employing multiple shifts to accommodate a safe environment.

Along with conducting what is anticipated to be an extremely contentious election with record voter registration levels and turnout along with cybersecurity and Public Safety Power Shutoffs (PSPS) in mind, major concerns with the

November 3rd, 2020 General Election now include the health and safety of voters, election workers (whom the vast majority are in vulnerable groups), and staff/temp help workers in the office throughout the entire cycle of the election. While we do not know what the extent of the pandemic will be in November, the Presidential General Election must take place, so we must plan for the worst and hope for the best.

Immediate Concerns for Upcoming General Election

Indicative of the public's concerns for health and safety, the Clerk-Recorder's office had a significant number of pollworker cancellations due to the news about COVID-19 coming to light in late February.

Immediately following the certification of the Primary Election, the County Clerk Recorder had been involved with multiple conference meetings with other counties, Secretary of State (SOS) staff, and advocacy groups to discuss the November election in consideration of the health crisis. As the health community found that age groups above 65 years old were among the most vulnerable, an unprecedented number of pollworkers began cancelling their participation in November due to the health concerns. These workers are by and large the essential core of workers during an election. In the same way, polling place locations have pulled their venues for November.

San Luis Obispo Election Status

- (1) 46% of pollworkers have cancelled
- (2) 46% of poll locations have cancelled

Primary Elections in Other States

During the months following California's Presidential Primary Election, many primary elections took place in other states with challenges which included long lines at drastically reduced polling places on Election Day and unfulfilled Vote-By-Mail (VBM) ballot requests. There are many reasons for this:

Many states do not have a robust VBM program

- (1) No Permanent VBM voting
- (2) Low levels of VBM participation
- (3) During the primaries, there were large numbers of VBM requests
- (4) Jurisdictions were not equipped with the infrastructure to handle the demand

Reduced Polling Places

- (5) Elderly pollworkers cancelled
- (6) Polling place locations cancelled
- (7) Consolidate voting locations more heavily

Challenges between Governors, State Legislature, Supreme Court

- (8) Last minute changes and challenges creating voter confusion and making it nearly impossible to conduct the election

As a result of numerous discussions between various working groups, the California Association of Clerks and Election Officials' executive board, the SOS and Governor's offices, and state legislature, two Executive Orders (EO) were issued by Governor Newsom in an effort to give early guidance to counties to prepare for the pandemic in November.

General Precepts of Governor Newsom's Executive Orders

- Every voter receives a ballot in the mail
- Use SOS's ballot tracking system, BallotTrax, requiring Intelligent Mail Barcodes on envelopes
- One voting location per 10,000 registered voters (larger facilities needed to facilitate physical distancing)

- Voting locations to operate four days (Saturday – Tuesday)
- Health and safety protocol and personal protective equipment
- VBM ballot drop off locations (1 per 15,000 registered voters)
- Develop a draft election plan (10- day Public Comment Period)
- Sufficient voter education and outreach

Note: There have been lawsuits challenging the Executive Orders (EO), and in fact there was a Temporary Restraining Order on the second Executive Order although it has been stayed by the appellate court.

Two legislative bills have been crafted to support and codify the EOs to close the loop on judicial challenges. AB860 was passed by the legislature and immediately signed by the Governor, which affirms every voter will receive a ballot in the mail, expansion of the existing remote accessible vote by mail system for use by any voter (instead of exclusively military, overseas, and voters with disabilities), extension of eligible VBM ballots that are postmarked by Election Day and received 17 days after the election (increased from 3 days), and allowing counties to begin processing VBM ballots as early as 29 days before the election (increased from 10 business days).

SB423 is expected to pass and be signed by the Governor by the end of July. This bill specifies four days of voting at accessible locations not to exceed 1 in 10,000 registered voters equipped with at least 3 accessible voting devices, have VBM ballot drop boxes at a minimum of 1 in 15,000 registered voters, and public notice of the proposed voting and ballot drop-off locations on the Clerk-Recorder's website for public comment for at least 10 days for consideration when finalizing the locations. The bill also calls for developing health and safety guidelines as well as extensive voter outreach and education.

Analysis of Governor's Executive Orders and Legislation

Providing every voter a VBM ballot is a sound response to the COVID-19 pandemic. This is particularly effective for those who do not want to go to a poll due to concerns related to COVID-19. Statewide, 75% of voters are already receiving a ballot in the mail; in San Luis Obispo it is 80%. The state has made permanent VBM available since 2002. Sending remaining voters a ballot in the mail is an incremental step versus the giant leaps that other states have recently employed. Some of our processes are actually streamlined by sending all voters a ballot in the mail, and we are confident our equipment has sufficient capacity to process the increase.

Giving voters the ability to track their ballots through BallotTrax provides additional transparency and reassurance. The county successfully utilized this tracking system during the March Primary and voters will be encouraged to sign up for this free service for November which texts, emails, or messages by phone updates to the voter's ballot. For example, voters who have individuals return ballots for them can ensure their ballots are delivered to the election office. Voters will also be able to return their VBM ballot at one of the 15 VBM ballot drop boxes located throughout the county and help save on postage at County expense. Voters who desire or need to go to a voting location will still be able to do so during four days of voting at larger facilities to maintain health and safety.

It is recognized that this election model closely resembles the Vote Center model that the County Clerk-Recorder opted not to implement during the 2020 March Primary Election, but today the COVID-19 pandemic is a game changer forcing registrars across the nation to address. With the concern for the well-being of voters, election workers and staff, sending every voter a VBM ballot while reducing the number of in person voting locations with health and safety measures are the most prudent steps when conducting the November General Election. While reducing the number of polling places prior to a Presidential election is not typically recommended, due to pollworker and poll cancellations, reducing them to help keep the pandemic curve low is necessitated.

Furthermore, by the very nature of sending every voter a ballot in the mail, most voters going to a traditional polling place would be required to vote provisional ballots. A vote center operation supports mailing ballots to all voters, since its operation closely resembles the operation at election offices where a voter's status can be reviewed, and a replacement ballot can be issued after confirming their prior ballot has not been received.

Lastly, many grant funds totaling \$2,776,000 which were previously limited in use are being loosened so counties can utilize them in response to COVID-19. This will be further supplemented with expected new grants from federal and state funding streams, which will be forthcoming in future items brought to this Board enabling the County Clerk-Recorder to immediately sign these contracts to begin utilizing these new funds.

San Luis Obispo Readiness

Over the past four years, the Clerk-Recorder department has been making steady, incremental changes to update and improve election procedures and be able to transition to a vote center model.

Current Clerk-Recorder Infrastructure

- 2016 Implementation of VoteCal (the statewide voter registration database)
- 2018 Implementation of New Voting System
 - Replacement VBM Envelope Scanner
 - Automatic Registration at the DMV
 - Conditional Voter Registration at Election Offices
 - Cure Process Regarding Challenged VBM Ballots
- 2020 Replacement Voter Registration System & Software
 - Replacement Accessible Voting Equipment at Polls
 - Remote Accessible VBM System for Voters with Disabilities
 - VBM Ballot Drop Boxes
 - Conditional Voter Registration at Polling Places
 - Election Day Call Center

Personnel (Additional staffing recently allocated to Clerk-Recorder)

(1) +1.00 Information Technology Specialist I (approved October 1, 2019)

The addition of this position has been indispensable in supporting the additional technology required for the March Primary Election. The Clerk-Recorder IT staff is responsible for coordinating with ITD networking to establish Vote Center connectivity and training additional ITD staff to set up and support Vote Center operations.

(2) +2.00 FTE Deputy Directors (Elections and Clerk-Recorder) to replace -1.00 FTE Assistant County Clerk-Recorder (approved March 24, 2020)

Your board approved these positions on March 24, 2020. While one Deputy Director position was just filled on June 29, the other is on hold due to budget constraints driven by COVID-19. The requests below will help complete all the necessary work for the November election in light of the hiring freeze.

Additional Resources Requested for November Election

The changes required to transition to a vote center operation typically occurs over an 18-month process, but counties only have 8 months to prepare for the November election. County staff has already been stretched with additional requirements for election and voter registration activities placed on the office over the past five years. There simply is no capacity to take on more.

The following are areas requiring assistance from outside contractors or other County departments and will be funded by grants:

1. IT Resources for Voting Location Support:

(Estimated Costs: \$170,000)

A vote center operation is more sophisticated than a traditional polling place, more like an election office operation extended to 20 locations throughout the county, requiring computers with secured and reliable connectivity as well as ballot on demand printing technology to print the appropriate ballot for each voter. A minimum of three accessible voting devices for voters with disabilities must be on hand. The department will need assistance from IT consultants (or from the County IT department) to ensure reliable connectivity as well as set-up, support and breakdown of equipment for the four days of voting.

2. Consultants for Specific Purposes:

(Total Estimated Cost: \$160,000)

- Revamping Voting Operations, Training Approach, Training Materials - \$60,000
- Integrate Health & Safety Practices responding to COVID-19 - \$60,000
- Create Media Planning & Messaging for Extensive Voter Outreach & Education - \$40,000

Also, an additional \$79,000 is estimated for the additional Election Workers being required to staff voting locations for 4 days of voting.

The Governor's Executive Orders and legislative bills will change operations at voting locations along with health and safety measures in place, so there is immediate need to update these operations and reflect them in instructions and election worker training. The consultant assigned to Health and Safety will review CDC guidelines, state directives, and work with local Public Health officials to develop a plan integral to the overall operations. Also, the changes will necessitate a robust voter outreach and education program to educate voters on these changes. The use of consultants will allow the department to complete the fundamental administration of the election, while the consultants will help facilitate the additional requirements.

Concerns & Mitigation

Voter Turnout:

One of the main concerns with transitioning to a vote center operation is long lines at voting locations. This has been indicative in states with large numbers of pollworkers and polling places cancelling, and no infrastructure for large-scale VBM voting. However, considering COVID-19, reducing exposure to the virus by sending every voter a ballot in the mail and reducing the number of voting locations will assist in keeping the pandemic curve flat. With an extensive voter education and outreach program, the department hopes to convince most voters to use their VBM ballots or come to a voting location before Election Day.

Projections for November Election			
Currently 177,000 registered voters	3% Increase	5% Increase	7% Increase
Registered Voters	182,000	186,000	190,000
85% Turnout	154,700	158,100	161,500
Vote Center Counties: 5-10% of Registered Voters - In Person Voting	9,100-18,200	9,300-18,600	9,500-19,000

Conclusion: With 20 voting locations and 2 election offices, the Clerk-Recorder will have the capacity to accommodate 20,000 voters on Election Day. The additional days of operation will allow voting over the weekend for convenience and to avoid long lines thus flattening the in-person voting curve on Election Day.

Sufficient Election Workers:

With a 46% cancellation of pollworkers, there is much concern that the County will have insufficient numbers to support voting locations. While election workers desire to assist on Election Day, many are concerned for their health, so the need for health and safety measures is great. Certainly, having fewer voting locations reduces the number of workers required to staff a location, but if COVID-19 rebounds aggressively as Election Day approaches, the department will need to develop contingency plans.

Secretary of State staff members have been working with the Governor to encourage State employees to be election workers and to use the Democracy at Work program to encourage employers and employees to be workers. Lastly, it may be requested that the County assign employees to serve the election as disaster services workers pursuant to Government Code section 3100. Additionally, cost estimates are identified below for additional temporary help election workers in the amount of \$79,000 (covered by grant funding).

Draft Election Plan for November

In Person Voting Locations for 4 Days

1st Supervisorial District

Mid-State Fairgrounds
Heritage Ranch Recreation Barn (tentative)
Paso Robles Masonic Complex (tentative)
Templeton Sheriff Substation

2nd Supervisorial District

Cambria Veteran's Hall
Morro Bay Community Center
Los Osos Cal Fire South Bay Training Center
Cal Poly – Performing Arts Center Lobby or Mott Gym

3rd Supervisorial District

SLO Guild Hall or Former Airport Terminal (tentative)
2nd SLO Location TBD
Pismo Beach Veteran's Hall
Grover Beach Community Center

4th Supervisorial District

South County Regional Center
Lifepoint Church Multipurpose Room
Oceano CSD Office
Dana Adobe Cultural Center
2nd Nipomo Location TBD

5th Supervisorial District

North Atascadero Location TBD
Pavilion on the Lake
Atascadero Methodist Church (tentative)
San Luis Obispo Veteran's Hall (tentative)

VBM Ballot Drop Off Locations (All Tentative Until Final Confirmation)

1st Supervisorial District

Paso Robles City Library
San Miguel TBD
Shandon TBD
Templeton CSD

2nd Supervisorial District

Cambria Library or CSD
Cayucos TBD
Morro Bay City Hall
Los Osos Cal Fire Training Center, CSD
Cal Poly – ASI Office

3rd Supervisorial District

Pismo Beach City Hall
Grover Beach City Hall

4th Supervisorial District

Arroyo Grande City Hall
Oceano CSD
Nipomo CSD

5th Supervisorial District

North County Clerk-Recorder
Creston TBD
San Luis Obispo Clerk-Recorder

Additional Costs for November Election

Cost Estimates	Vote Center Model	Funded by Grant Sources
Acquisition, Implementation and Start-Up Costs:		
Equipment Required for In Person Voting Locations	\$687,500	Voting System Replacement and Voting Modernization
Warehouse Racking/Electricity to Store/Support Equipment	\$32,000	
Assistance from ITD or IT Consultant:	480 Hours @ \$170/hr	Voting System Replacement
Establishing Reliable, Secured Communications	\$80,000	
Project Manager (Procurement, Vote Center Logistics)		
5-6 ITD Staff (Set-Up, Support, and Breakdown)	720 Hours @ \$125/hr	
	\$90,000	
Cybersecurity Contract with CyberDefense	\$50,000	Voting System Replacement
Pre-Election Address Confirmation Mailing	\$40,000	Help America Vote Act (HAVA) 301
Voter Education and Outreach (TV/Radio/Newspaper Ad, Social Media Posts)	\$60,000	HAVA COVID-19
Personal Protective Equipment and Cleaning Supplies (for Voting Locations)	\$35,000	HAVA COVID-19
Total Implementation Costs:	\$1,074,500	
Costs reimbursable by Grant Funding	\$1,074,500	
Additional Staffing:		
Consultants:		HAVA COVID-19
Voting Operations, Training Approach, Training Materials	\$60,000	
Health & Safety Coordination & Planning	\$60,000	
Media Planning (Voter Education & Outreach)	\$40,000	
Election Workers:	\$79,000	HAVA COVID-19
Additional Costs for Election Workers at Voting Locations		
Total Staffing Needs	\$239,000	
One-time costs reimbursable by Grant Funding	\$239,000	
Other Additional Costs for November Election:		
Costs to Send Additional VBMs and Return Ballot Processing	\$81,000	HAVA COVID-19
Rental of Voting Locations	\$18,000	HAVA COVID-19
Total Additional Costs for November Election	\$1,412,500	Grants Funds
General Fund Support to meet Additional Requirements	\$0	

Amendment to Dominion Voting Contract

Implementing the recommendations for the November election will necessitate an amended contract with Dominion Voting Systems (DVS) to increase the contract amount by \$229,720, for a new total amount of \$1,328,000, to allow for the purchase the additional equipment required at voting locations. In 2017, the County had chosen DVS for a new voting system to meet all federal and state standards. In 2019, the County had purchased accessible ballot marking devices and a remote accessible Vote By Mail system from DVS to meet state requirements for elections in 2020. With the changes ordered by the Governor's Executive Orders and the pending legislation supporting the EO's, the County will need 30 additional Ballot on Demand (BOD) printing solutions to provide all ballot types at voting locations, enabling voters to going to any location for voting.

The implementation of these systems for use during the November General Election will be funded by Proposition 41 Voter Modernization Bond Funds, Help America Act Federal Funds, and newly enacted State grant funding.

Existing and Anticipated Grant Funding

The Clerk-Recorder has existing grant funds that exceed the \$1.4 million estimate of additional expenses. However, new grant funds are also expected to support election activities. Any grant funds remaining above actual expenses will generally be available for elections through the end of 2022.

In addition, new grant funds are expected from the Federal HAVA COVID-19 grant program to support additional costs for equipment, supplies, facilities, etc. toward the November 2020 Presidential Election, above and beyond normal election costs. Currently, the SOS is preparing contracts for these funds and waiting for the Governor to sign the state budget to give the SOS authorization to distribute the funds. It is likely that matching funds from the County will not be required, as the federal Election Assistance Commission has indicated that they will be more flexible in how the match is made, including staff time in response to COVID-19. Nevertheless, other grants funds have been utilized in the past to serve as matching funds for the County.

Lastly, with approval of the State budget, some additional state grant funds might become available for additional voter outreach and communication. As a result, between existing and pending grant funds, it is anticipated that all additional costs related to the November election and COVID-19 will be covered by these grants.

Conclusion

It is recommended that the Board support the recommendations regarding the conduct of the November General Election. The COVID-19 Pandemic is a game changer when it comes to elections. Elderly pollworkers have been reluctantly cancelling their plans to be election workers out of fear for their health. Election officials have been seriously considering how elections are to be conducted in this evolving environment. Now, elections officials not only have the fundamental operation of elections, but in a new world that must take into consideration cybersecurity, PSPS, and now the health and safety of voters and election workers.

At 75% voting by mail, California is prepared to take the incremental steps of sending every voter a ballot in the mail. San Luis Obispo is higher at 80%. The state has also been proactive in seeking solutions to the November election well in advance of the election, so counties will be able to implement the changes to meet the needs at hand.

Over the past five years, San Luis Obispo has been making incremental steps to be prepared for such a shift, with a successful implementation of new voting system, new voter registration system, integration with statewide voter registration database, automatic registration at the DMV, conditional voter registration, equipment to support VBM ballot processing, and VBM ballot drop boxes as well as additional personnel your Board had approved. The Clerk-

Recorder is well-positioned to successfully implement these changes to adapt to these new requirements with assistance from the IT Department or consultant as well as the three consultants described above.

To support these initiatives, it is recommended that the Board approve the amended contract with Dominion Voting Systems for additional equipment and a corresponding amendment to the fixed asset list, as well as approve a budget adjustment in the amount of \$1.4 million for expenses identified in this report.

OTHER AGENCY INVOLVEMENT/IMPACT

The following agencies have been or will be involved in the following capacities: Central Services Purchasing Division reviewed and approved the amendment to the Dominion Voting contract as well as the contracts with the three contract employees, and County Counsel approved these agreements as to form and legal effect. Information Technology Department will develop a plan to provide support for technology at vote centers or satellite locations. The Information Technology-Executive Steering Committee has reviewed and approved the voting system enhancement and transition to vote centers.

FINANCIAL CONSIDERATIONS

The additional expenses related to the November election totaling an estimated \$1.4 million will be funded by grants. The Clerk-Recorder is requesting no additional General Fund Support to purchase the additional equipment, implement programs, and training required of meeting the Governor's Executive Orders.

Some reduction in expense is expected with ongoing costs each fiscal year, as more voters begin to vote by mail and staffing is reduced at these locations and as the department becomes more familiar with the operation and technology.

RESULTS

With Board support and approval, provide voters of the County of San Luis Obispo the best possible voting experience for elections in 2020 in response to COVID-19.

The Clerk-Recorder will conduct elections using the additional ballot on demand printers, laptops, and necessary equipment to support a vote center operation that will best serve voters in November.

Ensure that the County of San Luis Obispo can access and utilize all federal and state funds available during the administration of election.

Increase public awareness and develop voter trust and understanding of election changes.

ATTACHMENTS

- 1 PowerPoint Presentation
- 2 Dominion Voting Amended Contract